

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

ERIK BECERRA,

Case No. 24-CV-1100 (PJS/JFD)

Petitioner,

v.

ORDER

UNITED STATES OF AMERICA,

Respondent.

Petitioner Erik Becerra, a federal prisoner, filed this action under 28 U.S.C. § 2241 seeking a new trial in his underlying criminal case. This matter is before the Court on Becerra's objection to the April 15, 2024, Report and Recommendation ("R&R") of Magistrate Judge John F. Docherty. Judge Docherty recommends dismissing Becerra's petition for lack of jurisdiction because Becerra has failed to show that his remedy under 28 U.S.C. § 2255 is "inadequate or ineffective." 28 U.S.C. § 2255(e) (federal prisoners may only seek habeas relief if a motion under § 2255 "is inadequate or ineffective to test the legality of his detention").

The Court has conducted a de novo review. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Based on that review, the Court adopts the R&R and dismisses Becerra's petition for lack of jurisdiction.

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein,

IT IS HEREBY ORDERED THAT:

1. The Court ADOPTS the Report and Recommendation [ECF No. 5].
2. Petitioner's 28 U.S.C. § 2241 petition [ECF No. 1] is DISMISSED
WITHOUT PREJUDICE for lack of jurisdiction.
3. Petitioner's application to proceed *in forma pauperis* [ECF No. 6] is
DENIED AS MOOT.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 4, 2024

s/Patrick J. Schiltz

Patrick J. Schiltz, Chief Judge
United States District Court